IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WA.No. 1323 of 2007

AGAINST THE JUDGEMENT IN WPC.1611/2006 Dated 07/02/2007

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APPELLANT/PETITIONER:

K.J.BABU, S/O. JOSEPH,
AGED 35 YEARS, KAAPPUNKAL HOUSE, P.O. PUTHUR,
THONIPARA, THRISSUR.

BY ADV. SRI.C.A.CHACKO

RESPONDENTS/RESPONDENTS:
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1. KERALA STATE FINANCIAL ENTERPRISES,
BHADRATHA, MUSEUM ROAD, THRISSUR,
REP. BY ITS MANAGING DIRECTOR.

2. THE DIRECTOR,
EMPLOYMENT AND TRAINING DEPARTMENT,
THIRUVANANTHAPURAM.

3. THE STATE OF KERALA,
REP. BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

4. ANIL, DRIVER, K.S.F.E., MUSEUM ROAD, THRISSUR.

5. RENJITH, DRIVER, K.S.F.E., MUSEUM ROAD, THRISSUR.

6. JOY, DRIVER, K.S.F.E., MUSEUM ROAD, THRISSUR.

7. KANNAN, DRIVER, K.S.F.E., MUSEUM ROAD, THRISSUR.

BY SENIOR GOVERNMENT PLEADER SMT. R. MEERA.
BY ADV. SRI.A.M.SHAFFIQUE FOR K.S.F.E.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1323 OF 2007

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Dated this the 27th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal arises out of the judgment delivered by the learned single Judge in W.P.(C)No.1611 of 2006 dated 7th February, 2007.

2. The petitioner was before this court inter alia requesting this Court to direct the respondents to regularise the service of the petitioner as has been done in the case of respondents Nos. 4 t o 7 in the Writ Petition. The request of the petitioner was rejected by the learned single Judge, on the ground that the petitioner was not a Part-time Sweeper, but was only a temporary employee and that a comparison of the petitioner's case with that of the respondent Nos. 4 to 7 is not possible, since respondent Nos. 4 to 7 were appointed as Part-time Sweepers and they were also made to work as drivers.

3. The orders and circulars issued by the State Government would only indicate that if an employee works on a part-time basis, then only his/her case can be considered for the purpose of regularisation. We have already stated that the petitioner has never worked as a part-time

sweeper. Therefore, we cannot direct the respondents to comply with the orders and circulars issued by the State Government to regularise the service of the petitioner. Keeping this aspect of the matter in view, the learned single Judge, in our opinion, has rightly rejected the Writ Petition. We do not see any error in the orders so passed by the learned single Judge, which calls for our interference . Accordingly, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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